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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,188	12/20/2001	Andrew E. Fano	33836000005	9701

30498 7590 07/21/2004  
VEDDER PRICE/ACCENTURE  
222 NORTH LASALLE STREET  
CHICAGO, IL 60601

EXAMINER

QUINONES, ISMAEL C

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/027,188

**Applicant(s)**

FANO ET AL.

**Examiner**

Ismael Quiñones

**Art Unit**

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on September 25, 2003 has being considered by the examiner and made of record in the application file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al. (U.S Pat. No. 6,259,405).

Regarding **claim 1**, Stewart et al. disclose a method of using short range wireless signals to detect context (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*) comprising the steps of: detecting by at least a short-range wireless signal subscriber unit

or a device (Wherein the presence of a mobile user (MU) is detected by an access point (AP) in proximity or within a short range to the mobile user; *col. 2, lines 50-62*), said short range wireless signals from at least one transmitter of said short range wireless signals (Wherein a access point (AP) transmits the PDU's identification information to a service provider on the network, furthermore the access point may be a wireless access point which can transmit signals to a centralized network (service provider) over a wireless connection; *col. 2, lines 60-65; col. 7, line 52 thru col. 8, line 8; Fig. 2A*); recovering, from detected short range wireless signals from said at least one transmitter, information that conveys at least the presence of a device or a subscriber unit (Wherein the AP recovers information such as the location or identification information regarding the PCD once the PCD is positioned in sufficiently close range to the access point; *col. 6, lines 12-24 and lines 49-52*) coupled to at least one transmitter of said short range wireless signals that is substantially within a short range from said subscriber unit or said device (Once the PCD or subscriber unit is within close proximity of an access point (AP) a wireless connection is established between both; *col. 6, lines 39-45; Fig. 1A*).

Regarding **claims 2, 5, 8, 11, and 14**, and as each applied respectively to claims 1, 4, 7, 10 and 13, Stewart et al. disclose the aforementioned method wherein the step of obtaining or recovering information further includes recovering at least one of the identity of the device prior to the step of forwarding said information to at least one service provider or deriving contextual information (Wherein and identification code is transmitted to a wireless access point prior to relaying the identification code to a service provider; *col. 6, lines 49-55*).

Regarding **claims 3, 6, 9, 12, and 15**, and as each applied respectively to claims 2, 5, 8, 11 and 14, Stewart et al. disclose the aforementioned method wherein said obtaining or recovering information includes reading or recovering at least one of the identity of status; prior to the step of forwarding said information to at least one service provider or deriving contextual information (Wherein the portable communication device provides and ID information to an access point, determining based on the provided or requested ID information the portable communication device authorized or unauthorized status; and if a determination is based whether the portable communication device is authorized or registered with the system, the information is sent to the system, subsequently relied to the service provider; *col. 12, line 25 thru col. 13, line 64*).

Regarding **claim 4**, Stewart et al. disclose a method of using short range wireless signals to detect context (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*), comprising the steps of: detecting said short range wireless signals from at least one transmitter of said short range wireless signals (Wherein the presence of a mobile user (MU) is detected by an access point (AP) in proximity or within a short range to the mobile user, afterwards the access point (AP) transmits the PDU's identification information to a service provider on the network, furthermore the access point may be a wireless access point which can transmit signals to a centralized network (service

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provider) over a wireless connection; *col. 2, lines 60-65; col. 7, line 52 thru col. 8, line 8; Fig. 2A; col. 2, lines 50-62; col. 11, lines 60-65*); recovering, from detected short range wireless signals from said at least one transmitter, information that conveys at least the presence of at least one of a device or a subscriber unit coupled to at least one transmitter of said short range wireless signals (Wherein the AP recovers information such as the location or identification information regarding the PCD once the PCD is positioned in sufficiently close range to the access point; *col. 6, lines 12-24 and lines 49-52*), and which is within a short range of said wireless signal subscriber unit or device (Once the PCD or subscriber unit is within close proximity of an access point (AP) a wireless connection is established between both; *col. 6, lines 39-45; Fig. 1A*); forwarding said information to at least one service provider (Subsequently transmitting or relaying identification and location information regarding the portable communication device (PCD) to one or more providers on the network; *col. 2, lines 60-65; col. 3, lines 4-6; col. 6, lines 49-54*).

Regarding **claim 7**, Stewart et al. disclose a method of using short range wireless signals to detect context (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*) comprising the steps of: detecting said short range wireless signals from at least one transmitter of said short range wireless signals by at least one of a short range wireless

signal subscriber unit or a short range wireless signal device (Wherein the presence of a mobile user (MU) is detected by an access point (AP) in proximity or within a short range to the mobile user by a the mobile user or portable communication device wireless signal; *col. 2, lines 50-62; col. 11, lines 60-65*); recovering, from detected short range wireless signals from said at least one transmitter, information that conveys at least the presence of at least one of a device or subscriber unit (Wherein the AP recovers information such as the location or identification information regarding the PCD once the PCD is positioned in sufficiently close range to the access point; *col. 6, lines 12-24 and lines 49-52*) coupled to at least one transmitter of said short range wireless signals and which is within a short range of said subscriber unit or device (Once the PCD or subscriber unit is within close proximity of an access point (AP) a wireless connection is established between both; *col. 6, lines 39-45; Fig. 1A*); deriving contextual information from said recovered information (Deriving contextual information such as the location of the mobile user of portable communication device and the access point; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49; col. 6, lines 14-24*).

Regarding **claim 10**, Stewart et al. disclose a method of using short range wireless signals to detect proximity-determined context (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*), comprising the steps of: detecting, short range wireless

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signals from a transmitter, said transmitter being associated with at least one context-determining device (Wherein the presence of a mobile user (MU) is detected by an access point (AP) in proximity or within a short range to the mobile user by a the mobile user or portable communication device wireless signal; *col. 2, lines 50-62; col. 11, lines 60-65*); recovering, from detected short range wireless signals, information that conveys at least the presence of said context-determining device or a subscriber unit coupled to said transmitter that is within a short range of said short range wireless signal subscriber unit or device (Once the PCD or subscriber unit is within sufficiently close proximity of an access point (AP) a wireless connection is established between both, subsequently the AP recovers information such as the location or identification information regarding the PCD; *col. 6, lines 12-24 and lines 39-52; Fig. 1A*); deriving contextual information from said recovered information (Deriving contextual information such as the location of the mobile user of portable communication device and the access point; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49; col. 6, lines 14-24*); forwarding said derived contextual information to at least one service provider (Subsequently transmitting or relaying identification and location information regarding the portable communication device (PCD) to one or more providers on the network; *col. 2, lines 60-65; col. 3, lines 4-6; col. 6, lines 49-54*).

Regarding **claim 13**, Stewart et al. disclose a method of using short range wireless signals to determine geographic context proximate to at least one of a short range wireless signal subscriber unit or a device (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services



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which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*), comprising the steps of: obtaining status information from at least one context-determinative device or subscriber unit (Obtaining status information such as location, and identification information of a portable communication device, in order to recognize authorized registration for the acquiring of geographic area or proximity related services; *col. 11, line 37 thru col. 12, line 55*); broadcasting said status information throughout a geographic area using said short range wireless signals and a predetermined wireless communications protocol (Wherein information such as the identification code of a portable communication device is broadcast across a network within the geographic proximity of the communication device; *col. 11, line 37 thru col. 13, line 49*).

Regarding **claim 16**, Stewart et al. disclose a subscriber unit for obtaining context-determinative information from a context-determinative device (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*), said subscriber unit comprised of: short range wireless signal transceiver means for: at least detecting short range wireless signals from at least one transmitter of said short range wireless signals (Wherein the presence of a mobile user (MU) is detected by an access point (AP) in proximity or

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within a short range to the mobile user by a the mobile user or portable communication device wireless signal; *col. 2, lines 50-62; col. 11, lines 60-65*); and a processor means, operatively coupled to said short range wireless signal transceiver means (*Fig. 2A*) for: recovering, from detected short range wireless signals from said at least one transmitter, information that conveys at least the presence of a device coupled to said at least one transmitter of said short range wireless signals that is within a short range of said short range wireless signal subscriber unit (Once the PCD or subscriber unit is within sufficiently close proximity of an access point (AP) a wireless connection is established between both, subsequently the AP recovers information such as the location or identification information regarding the PCD; *col. 6, lines 12-24 and lines 39-52; Fig. 1A*).

Regarding **claim 17**, Stewart et al. disclose a system for obtaining context-determinative information from context-determinative devices (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*), said system comprised of: a plurality of short range wireless signal transmitters (A plurality of wireless access points which comprise radio transceivers; *col. 6, lines 6-7; Fig. 1A, item 120; Fig. 2A, item 210A and item 210B*), each of which is coupled to at least one context determinative device (The access points connected to a portable communication device in a wireless fashion; *col. 2, lines 52-53*

*Fig. 1A, item 111 and item 121*), said plurality of short range wireless signal transmitters broadcasting information about said devices via short range wireless signals (Wherein the presence of a mobile user (MU) is detected by an access point (AP) in proximity or within a short range to the mobile user, afterwards the access point (AP) transmits the PDU's identification information to a service provider on the network, furthermore the access point may be a wireless access point which can transmit signals to a centralized network (service provider) over a wireless connection; *col. 2, lines 60-65; col. 7, line 52 thru col. 8, line 8; Fig. 2A; col. 2, lines 50-62*); at least one short range wireless receiver means for: detecting, short range wireless signals from at least one transmitter of said short range wireless signals (Wherein the service providers comprise a network interface for receiving information regarding a portable communication device (PCD); *col. 9, lines 56-63; Fig. 3A*) and deriving, from said short range wireless signals, information about the surroundings of said short-range wireless receiver means (Deriving contextual information such as the location of the mobile user of portable communication device and the access point; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49; col. 6, lines 14-24*)).

Regarding **claim 18**, Stewart et al. disclose a method of using short range wireless signals to determine geographic context (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*) comprising the steps of: receiving information obtained throughout a geographic

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area by receiving short range wireless signals broadcast from at least one subscriber unit that broadcast said signals using a predetermined wireless communications protocol (Obtaining status information in a wireless fashion such as location, and identification information of a portable communication device, in order to recognize authorized registration for the acquiring of geographic area or proximity related services, wherein the information such as the identification code of a portable communication device is broadcast across a network within the geographic proximity of the communication device *col. 11, line 37 thru col. 12, line 55*); processing said information from said at least one subscriber unit to determine said subscriber unit's context (To determine context information such as an approximate or an exact location of a portable communication device or the location time zone; *col. 17, lines 9-18; col. 30, lines 1-11*).

Regarding **claim 19**, Stewart et al. disclose a method of using short range wireless signals to determine geographic context (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*) comprising the steps of: receiving information obtained throughout a geographic area by receiving short range wireless signals broadcast from at least one subscriber unit that broadcast said signals using a predetermined wireless communications protocol (Obtaining status information in a wireless fashion such as location, and identification information of a portable communication device, in order to recognize authorized

registration for the acquiring of geographic area or proximity related services, wherein the information such as the identification code of a portable communication device is broadcast across a network within the geographic proximity of the communication device *col. 11, line 37 thru col. 12, line 55*); processing said information from said at least one subscriber unit to determine said subscriber unit's context (To determine context information such an approximate or an exact location of a portable communication device or the location time zone; *col. 17, lines 9-18; col. 30, lines 1-11*); sending context-relevant information to said subscriber unit using said predetermined wireless communications protocol (Sending location information of an access to a portable communication device in a wireless fashion and subsequently receiving location or geographic area related services; *col. 8, lines 4-24; col. 17, lines 49-57*).

Regarding **claim 20**, Stewart et al. disclose a method of using short range wireless signals to determine geographic context (A mobile user using a portable computing device (PCD) that connects to an access point for the provision of wireless LAN services which operate under widely known short range communication standards, and eventually detecting context such as the geographic location of the PCD, subsequently delivering such and advising the PCD of its location; *col. 2, line 60 thru col. 3, line 3; col. 6, lines 25-49*) comprising the steps of: receiving information obtained throughout a geographic area by receiving short range wireless signals broadcast from at least one subscriber unit that broadcast said signals using a predetermined wireless communications protocol (Obtaining status information in a wirelss fashion such as location, and identification information of a portable communication device, in order to recognize authorized

registration for the acquiring of geographic area or proximity related services, wherein the information such as the identification code of a portable communication device is broadcast across a network within the geographic proximity of the communication device *col. 11, line 37 thru col. 12, line 55*); processing said information from said at least one subscriber unit to determine said subscriber unit's context (To determine context information such an approximate or an exact location of a portable communication device or the location time zone; *col. 17, lines 9-18; col. 30, lines 1-11*); providing a context-relevant services to said subscriber unit user in response to said information obtained from said subscriber unit using said predetermined wireless communications protocol (Sending location information of an access to a portable communication device in a wireless fashion and subsequently receiving location or geographic area related services; *col. 8, lines 4-24; col. 17, lines 49-57*).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Stewart (U.S. Pat. No. 5,969,678), System for Hybrid Wired and Wireless Geographic-Based Communication Service.
- b. Raith (U.S. Pat. No. 6,493,550), System Proximity Detection by Mobile Stations.
- c. Eaton et al. (U.S. P.G.-Pub. No. 2003/0058808), Communication System for Location Sensitive Information and Method Thereof.

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- d. Roundtree (U.S. Pat. No. 6,640,098), System for Obtaining Service-Related Information for Local Interactive Wireless Devices.
- e. Phillips (U.S. Pat. No. 6,748,195), Wireless Device Having Context-Based Operational Behavior.
- f. Beamish et al. (U.S. Pat. No. 6,493,550), System for Using a Local Wireless Network to Control a Device Within Range of the Network.
- g. Pasanen (WO 99/22493) Wireless Local Area Network Transferring Information by Means of Predetermined Link Agents.

5. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

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6. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.


7. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379, and fax number is (703) 746-9818. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

*Ismael Quiñones*

I.Q.

July 12, 2004

  
RAFAEL PEREZ-GUTIERREZ  
PATENT EXAMINER  
7/12/04